

1 SOAH DOCKET NO. 582-07-2673  
2 TCEQ DOCKET NO. 2007-0204-WDW  
3

4 APPLICATION OF TEXCOM GULF § BEFORE THE STATE OFFICE  
5 DISPOSAL, L.L.C. FOR TEXAS §  
6 COMMISSION ENVIRONMENTAL §  
7 QUALITY COMMISSION § OF  
8 UNDERGROUND INJECTION §  
9 CONTROL PERMIT NOS. WDW410, §  
10 WDW411, WDW412, and WDW413 § ADMINISTRATIVE HEARINGS  
11  
12

13 SOAH DOCKET NO. 582-07-2674  
14 TCEQ DOCKET NO. 2007-0362-IHW  
15

16 APPLICATION OF TEXCOM GULF § BEFORE THE STATE OFFICE  
17 DISPOSAL, L.L.C. FOR TEXAS §  
18 COMMISSION ENVIRONMENTAL §  
19 QUALITY COMMISSION § OF  
20 INDUSTRIAL SOLID WASTE PERMIT §  
21 NO. 87758 §  
22 ADMINISTRATIVE HEARINGS  
23

24 PRE-FILED DIRECT TESTIMONY OF MELVIN REMLEY  
25  
26

27 Q What is your name?

28  
29 A My name is Melvin Ramley.  
30

31 Q Where do you live?

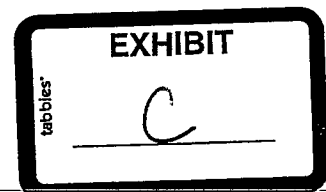
32  
33 A 1297 FM 3083, Conroe, Texas  
34

35 Q What is your educational background?

36  
37 A I have a Bachelor of Science degree from the University of Missouri at Columbia.  
38

39 Q Where were you last employed and how long did you work there?

40  
41 A I retired from Texaco Chemical Company, wholly owned subsidiary of Texaco Inc. in  
42 1992, after 31 years of employment.  
43



1 Q At retirement what was your job description?

2  
3 A At retirement I was the Senior Environmental Chemist at their Conroe, Texas facility.

4  
5 Q Please describe your job responsibilities as Senior Environmental Chemist.

6  
7 A I had the responsibility of compliance with our environmental affairs which included  
8 planning budget preparation, agency reporting, required employee training and the public  
9 drinking water system. I had the sole responsibility of securing all of our operating  
10 permits.

11  
12 Q How long did you have these responsibilities?

13  
14 A 26 years.

15  
16 Q What was the annual production capacity of the facility when you retired?

17  
18 A Approximately 300 million pounds.

19  
20 Q What did you manufacture at the Conroe location?

21  
22 A Several specialty chemicals including Aikylamines, Polyols and Organic Carbonates.  
23 Many of our precursor raw materials and products were both extremely toxic and  
24 odoriferous. At the time of my retirement more than 200 storage tanks were in service at  
25 that location.

26  
27 Q Was that location ever fined by a federal, state, county or other enforcement agency  
28 during your employment? Did you ever receive any reprimands from an agency during  
29 your tenure?

30  
31 A During my 26 years, as the sole individual responsible for environmental compliance at  
32 the Conroe facility, the company was never fined but received an administrative order for  
33 not sampling a unit for fugitive emissions while handling volatile organic chemicals when  
34 the unit was inoperable because of scheduling. Sampling was completed 2 days after said  
35 unit went into production and no leaks were detected.

36  
37 Q Have you ever been contacted by the former owner of the TexCom property at Conroe?

38  
39 A A few weeks after my retirement in 1992, I was contacted by the former owners of the  
40 TexCom property and disposal well to assist in a design, construction and operation of  
41 the above grade pollution abatement facilities. I was never contacted again because the  
42 company vacated the property for lack of sales and let the original deep well injection  
43 operating permit expire. TexCom hired a person with an employment similar to mine to

1 complete that.

2  
3 Q Did you ever intend to work for that company?

4  
5 A After seeking the advice from my colleague and mentor Dr. Gayle Edwards,  
6 Environmental Coordinator for Texaco Chemical, I had no intention of working for the  
7 previous owner of the TexCom property. Dr. Edwards informed me that Texaco had a  
8 strict policy against the deep well disposal of any waste material because too often when  
9 things go wrong the permitted disposer heads for the tall weeds and the original generator  
10 is held financially responsible under the Federal Superfund Laws. The permitted disposer  
11 loses his bonded investment but the public usually picks up all the recovery expenses. In  
12 this case, no one, in their wildest imagination, could estimate the expense of treatment of  
13 all the potable water aquifer south of the well location.

14  
15 Q How did you get involved with your objection to the proposed permit?

16  
17 A In January 2006, with a petition signed by more than 500 protestors of the proposed  
18 permit, Mrs. Derwood (Flora) Harrell and Mr. and Mrs. Edgar Hoagland visited my home  
19 and requested my help because they thought with my previous employment experience  
20 qualified me to be an expert witness concerning this matter. After signing the opposing  
21 petition, I have spent many hours of pro bono work for them. Before securing legal  
22 counsel all correspondence to the TCEQ was written or approved by me. I am concerned  
23 with the contamination of our potable water supply of all the area south of the well  
24 location. Since I live north of the site, my home is located directly down wind, and my  
25 greatest personal concern is the certain air pollution that will result from this unnecessary,  
26 ill-conceived project. The prevailing wind direction in this area is 7 miles per hour from  
27 the south, southeast. The only real air pollution in Montgomery County is the day after a  
28 norther, followed by an inversion, and we get two days of Houston air pollution instead  
29 one.

30  
31 Q Can you please describe intermittent odoriferous emission compliance.

32  
33 A Compliance with TCEQ rules is almost impossible to enforce when intermittent  
34 odoriferous emissions occur because surveillance by the TCEQ officer personnel is non-  
35 existent. It took me two years of complaining to get cessation of constant odor emissions  
36 from the Maverick Pipe Company operations. Their pickling tank stench was constant,  
37 but only evident at my homestead during northern wind conditions. I live three-quarters  
38 of a mile south of this ground source.

39  
40 Q TexCom has continuously described their proposed waste as dilute. What is your  
41 understanding of dilute?

42  
43 A There are dilute toxic wastes in the TexCom registry of proposed solid waste. The EPA

1 and TCEQ define water as a solid waste. There is no such thing as a low concentration of  
2 toxic waste. Is it usually described as an insignificant concentration, and I could never  
3 get a definite answer from the EPA as to what this description actually means.  
4

5 Q At the first hearing Dr. Ross and others testified under oath that the wastes would have no  
6 odor. Do you differ with that statement?  
7

8 A Dr. Ross has no idea what the wastes smell like. Odor, concentration, and toxicity are not  
9 relative.  
10

11 Q This permit is to allow the disposal of Class 1 non-hazardous wastes to be pumped  
12 through three known drinking water aquifers. Briefly describe your experience with just  
13 one such waste during your employment with Texaco Chemical Company.  
14

15 A Industrial Class I non-hazardous wastes are not free from being dangerous or toxic.  
16 During my tenure at Texaco Chemical Company, I worked with solid waste section of  
17 TCEQ to reclassify a Class 1 non-hazardous to a Class II waste so it could be recycled.  
18 The original waste was at times pyrophoric (subject to self-ignition) and contained 20%  
19 potassium oxalate, a deadly poisonous compound. Thousands of dollars, and hours of  
20 research were required to substitute sulfuric acid for oxalic acid in the manufacturing  
21 process. The resulting potassium sulfate is a superior agricultural fertilizer.  
22

23 Q Mr. Brassow stated at the same hearing that the tankage at the site would be vent free.  
24 The permit application represents that the tankage are storage or mix tanks and not  
25 pressure vessels. The permit application states that 11 of the tanks have the capacity of  
26 10,000 gallons. A tank truck usually has the capacity of 5,000 gallons, what will happen  
27 to the tank if the content of the tank truck is pumped into one of these tanks if it does not  
28 vent?  
29

30 A ANSWER: Mr. Brassow stated that the tankage at the site would be vent free. The  
31 permit application represents that the tankage are storage and, or mix tanks and not  
32 pressure vessels, which are required to make the tank vent free. If a gallon of water is  
33 pumped into a storage tank, a gallon of vapor will vent from the tank. When asked about  
34 this fact by our legal counsel Mr. Brassow suggested the tanks could be modified by  
35 adding pressure relief valves set at one pound of pressure per square inch. If the  
36 permitted 10,000 gallon capacity storage tanks receive the contents of 5,000 tank wagon,  
37 using Boyles Law of physics, the resulting pressure will be 15 pounds per square inch if  
38 no venting occurs. Most storage tanks are designed for a maximum pressure of 4 pounds  
39 per square inch, so of course the tank would rupture. This situation was not thoroughly  
40 discussed during the hearing because the judges did not understand the gravity of the  
41 process. Further, some tanks will be used for the neutralization of wastes. Heating  
42 occurs because neutralization results in an exothermic reaction, again using Boyles Law  
43 of physics, the contents of the tank will expand and venting will occur.

1  
2 Q Mr. Brassow stated that the tanks could be equipped with pressure relief valves set at one  
3 pound per square inch pressure. Would that effectively reduce the amount of vapor  
4 released from the tank?

5  
6 A Maybe 5%.

7  
8 Q What would normally be implemented to preclude noxious and or odoriferous  
9 compounds from entering the atmosphere?

10  
11 A Efficiently controlling emissions from all of the storage tanks will be an engineering  
12 challenge. Control devices are normally designed for single or family types of organic  
13 and inorganic compounds. The expected range of molecular weights, volatility, upper  
14 and lower explosive limits. Storage or mix tank service would have to be designated and  
15 several types of systems including absorption and/or combustion would have to be  
16 employed.

17  
18 Q Mr. Brassow testified that mild steel tankage material would be installed and be corrosion  
19 resistant. Would this practice be acceptable since acidic compounds are included in the  
20 proposed waste receipt registry?

21  
22 A I know of no commonly used metal that is more susceptible to corrosion than mild steel  
23 in services containing water. All tankage in this operation, at a minimum, should have an  
24 interior lining, be elevated with a cone bottom and equipped with an internal rinsing  
25 system to prevent probably waste mixing.

26  
27 Q Mr. Brass also stated that the proposed tankage would be one story. Please comment on  
28 that statement.

29  
30 A I have never heard of tanks described in "stories." In fact the tanks are two and three  
31 stories high if a story is 8 feet in height. The higher the tank vent the more area in the  
32 downwind dispersion cone.

33  
34 Q Is there a laboratory identified in TexCom's surface facility plans?

35  
36 A The TexCom Site Location Map, submitted with the application, did not include the  
37 location of a laboratory capable of analyzing the large quantity of waste samples expected  
38 at estimated capacity using EPA methods to insure that every load is in fact that stated on  
39 the Waste Manifest Certificate.

40  
41 Q Is there a sample storage facility identified in TexCom's surface facility plans?

42  
43 A A warehouse capable of storing waste samples is not included on the Site Location

1 Map.

2  
3 Q Is there a scale of weighing an 80,000 pound tank truck on TexCom's surface facility  
4 plans?

5  
6 A The above mentioned map did not include the location of an 80,000 pound capacity  
7 certified scale to determine how much waste is actually received and disposed of as  
8 equired on the Waste Manifest.

9  
10 Q Is there a tank gauging system that permanently records tank receipts using bar-coding to  
11 prevent operator tampering?

12  
13 A The permit application did not contain a description of a tank gauging system that  
14 accurately measures and permanently records the waste received but not weighed before  
15 disposal.

16  
17 Q Is there an automatic tank overflow alarm system?

18  
19 A No; this system should also include an automatic alarm and cut off overflow device.

20  
21 Q Is there sump rinse equipment to segregate wastes to prevent possible chemical reactions  
22 that would result in air contamination and possible personnel injury during tank truck  
23 unloading?

24  
25 A When a tank wagon is unloaded there are several gallons of waste contained in the  
26 unloading hose. Because the EPA and TCEQ have neglected to demand universal dry  
27 disconnect connectors as are used on propane delivery trucks, along with receiving tank  
28 vent return to the tank wagon this spillage could be avoided. To preclude possible  
29 reaction between separate wastes, each hose drainage must be segregated and  
30 subsequently pumped to the proper receiving storage or mix tank.

31  
32 Q Do you believe there are sufficient barriers to hold the contents of the largest tank?

33  
34 A Sufficient barriers to hold the contents of the largest tank are not included in the permit  
35 application. The storage tank containment barrier height is calculated for a 12 inch 24  
36 hour rainstorm. There have been three rain storms exceeding 20 inches in a 24 hour  
37 period since I have lived in my homestead. Hurricane Carla caused a total rainfall of 15  
38 inches and it was accompanied with the usual power failure. If the barrier height is not  
39 recalculated, and raised, an alternative pumping device should be installed to prevent off-  
40 site drainage to the waters of the State.

1 Q Who was the biggest generator on TexCom's waste customer?

2  
3 A The Huntsman Corporation.

4  
5 Q Huntsman now owns the facility where you used to work. Have you investigated their  
6 planned use of TexCom for their waste disposal?

7  
8 A I have spoken to an employee of Huntsman and she indicated no plans of using the  
9 TexCom services.

10  
11 Q Describe the recent list of prospective customers in Montgomery County.

12  
13 A It looks like a Chamber of Commerce list of every business in the county. Some of the  
14 prospects are no longer in business. Some would never have a need for their services.

15  
16 Q Do you think Class 1 non-hazardous waste disposal wells are a good practice?

17  
18 A No.

19  
20 Q What can be done to eliminate their use?

21  
22 A Instead of wasting fuel to haul this material from remote locations, these waste streams,  
23 many of which are the blow-down from air pollution control devices, could be  
24 concentrated at the source and disposed of by incineration or in a Class 1 Industrial non-  
25 hazardous landfill, one of which is located on the NE Loop 336 here in Conroe.

26  
27 Q Does this complete your prefilled testimony?

28  
29 A Yes.